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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

YUTTASAK SIMMA,

Petitioner,

v.

ALBERTO GONZALES, in his official  
capacity as Attorney General of the United  
States; MICHAEL CHERTOFF, in his  
official capacity as Secretary of the United  
States Department of Homeland Security;  
NANCY ALCANTAR, in her official  
capacity as Field Office Director for the  
Office of Detention and Removal  
Operations for Immigration and Customs  
Enforcement; DAVID SEPULVEDA, in  
his official capacity as Director of the Main  
Jail of the Santa Clara County Correctional  
Facilities,

Respondents.

Case No. C 07-3534 MMC

**VERIFIED PETITION FOR WRIT OF  
HABEAS CORPUS PURSUANT TO  
28 U.S.C. § 2241**

**[REDACTED]**

**TABLE OF CONTENTS**

	<b>Page</b>
INTRODUCTION .....	2
JURISDICTION.....	3
VENUE .....	3
EXHAUSTION .....	3
PARTIES .....	4
Petitioner Acquired Automatic Derivative Citizenship Pursuant to INA § 321(a).....	4
Respondents Are Responsible For the Detention and Release of Mr. Simma.....	5
FACTS AND PROCEDURAL HISTORY .....	6
CLAIMS FOR RELIEF .....	7
FIRST CAUSE OF ACTION - ICE HAS NO STATUTORY AUTHORITY TO DETAIN A PERSON THAT HAS A SUBSTANTIAL CLAIM OF CITIZENSHIP FOR REMOVAL PROCEEDINGS .....	7
SECOND CAUSE OF ACTION - ICE HAS NO STATUTORY AUTHORITY TO INDEFINITELY HOLD A PERSON THAT HAS A SUBSTANTIAL CLAIM OF CITIZENSHIP IN PRE-REMOVAL DETENTION .....	8
THIRD CAUSE OF ACTION - THE NON-DETENTION ACT, UNDER 18 U.S.C. § 4001(A), PROHIBITS THE DETENTION OF A PERSON THAT HAS A SUBSTANTIAL CLAIM OF CITIZENSHIP ABSENT CONGRESSIONAL AUTHORIZATION .....	9
FOURTH CAUSE OF ACTION - VIOLATION OF DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT – NO CONSTITUTIONALLY ADEQUATE PROCESS WAS IN PLACE BEFORE THE PETITIONER’S DETENTION.....	10
FIFTH CAUSE OF ACTION - VIOLATION OF DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT – RESPONDENTS’ PROLONGED DETENTION OF MR. SIMMA IS NOT REASONABLY RELATED TO THE PURPOSE OF THE DETENTION STATUTE .....	11
PRAYER FOR RELIEF.....	12
VERIFICATION.....	14

## TABLE OF AUTHORITIES

	Page
<b>Cases</b>	
<i>Cleveland Bd. of Ed. v. Loudermill</i> , 470 U.S. 532 (1985) .....	10
<i>Demore v. Kim</i> , 538 U.S. 510 (2003) .....	8, 9, 11, 12
<i>Hamdi v. Rumsfeld</i> , 542 U.S. 507 (2004) .....	3, 10
<i>Howe v. Smith</i> , 452 U.S. 473 (1981) .....	10
<i>Jackson v. Indiana</i> , 406 U.S. 715 (1972) .....	11
<i>Mathews v. Diaz</i> , 426 U.S. 67 (1976) .....	12
<i>Minasyan v. Gonzales</i> , 401 F.3d 1069 (9th Cir. 2005) .....	3, 4, 9
<i>Rivera v. Ashcroft</i> , 394 F.3d 1129 (9th Cir. 2005) .....	12
<i>Tijani v. Willis</i> , 430 F. 3d 1241 (9th Cir. 2005) .....	8, 9, 12
<i>Woodby v. INS</i> , 385 U.S. 276 (1966) .....	12
<i>Zadvydas v. Davis</i> , 533 U.S. 678 (2001) .....	9, 11
<b>Statutes</b>	
§ 11378 of the California Health and Safety Code .....	6
§ 236 of the Immigration and Nationality Act .....	7, 8, 11, 12
§ 237 of the Immigration and Nationality Act .....	7
§ 321 of the Immigration and Nationality Act .....	4, 5, 12
18 U.S.C. § 4001(a) .....	2, 9, 10
28 U.S.C. § 1331 .....	3
28 U.S.C. § 1651 .....	3
28 U.S.C. § 2201-02 .....	3

**TABLE OF AUTHORITIES**  
(continued)

	<b>Page</b>
<i>28 U.S.C. § 2241</i> .....	3
<i>28 U.S.C. § 2243</i> .....	3, 13
<i>8 U.S.C. § 1226(a)</i> .....	8, 9
<i>8 U.S.C. § 1226(c)</i> .....	7, 8, 9
<i>8 U.S.C. § 1252(d)(1)</i> .....	3
<i>8 U.S.C. § 1432(a)</i> .....	4
<b>Other Authorities</b>	
<i>Habeas L.R. 2254-3(a)</i> .....	3
<b>Constitutional Provisions</b>	
<i>U.S.C.A. Const. Amend. 14</i> .....	12
<i>U.S.C.A. Const. Amend. 5</i> .....	10, 11

## INTRODUCTION

1  
2           1.       Petitioner Yuttasak Simma, a longstanding Bay Area resident with derivative  
3 United States citizenship, has been detained by Respondents for more than three months, while  
4 removal proceedings against him remain pending in Immigration Court.

5           2.       In detaining Mr. Simma, Respondents have acted outside their jurisdiction and  
6 authority under the Immigration and Nationality Act, which applies only to "aliens." Detained  
7 after a brief interview lasting about ten minutes, Mr. Simma never had an opportunity to submit  
8 evidence demonstrating his derivative citizenship before the deprivation of his liberty at  
9 Respondents' hands.

10          3.       Respondents' continued detention of Mr. Simma is not a result of criminal  
11 conviction, or a result of immediate removal. Rather, it is a bureaucratic application of the  
12 detention provisions of the Immigration and Nationality Act ("INA") based on an incorrect and  
13 unsubstantiated assumption of alienage.

14          4.       While imprisoned, Mr. Simma has since gathered and presented documentary  
15 evidence demonstrating his United States citizenship to the Immigration Court where the removal  
16 proceedings are pending. Mr. Simma also filed an N-600 "Application for Certificate of  
17 Citizenship," attaching the evidence of his citizenship to the Department of Homeland Security.  
18 The Immigration Court granted a continuance allowing Mr. Simma's filing of the N-600  
19 application. The Immigration Court, however, has failed to release Mr. Simma while the  
20 citizenship paperwork is being processed.

21          5.       Having demonstrated substantial prima facie evidence of his derivative  
22 citizenship, which took effect due to his mother's naturalization years ago, Mr. Simma still faces  
23 a lengthy and uncertain period of continued incarceration. The wait for the government's  
24 processing of his citizenship certificate sees no definite end, and the eventual adjudication of the  
25 removal proceedings is even more remote.

26          6.       Respondents' detention of Mr. Simma has no statutory authority. Instead, it  
27 violates the Non-Detention Act, 18 U.S.C. § 4001(a), which prohibits the detention of U.S.  
28 citizens absent explicit congressional authorization. Moreover, the lengthy pre-removal detention

1 ignores Mr. Simma's citizenship status, violates his rights under the Due Process Clause of the  
2 Fifth Amendment of the United States Constitution, and dilutes his Fourteenth Amendment right  
3 to U.S. citizenship.

4 7. Mr. Simma petitions this Court for an immediate release from incarceration. The  
5 remedy Mr. Simma seeks is a just and reasonable one — release from prison under reasonable  
6 bail and/or supervision, while waiting for his citizenship certificate and termination of the  
7 removal proceedings in Immigration Court.

8 8. Pursuant to 28 U.S.C. § 2243, Mr. Simma respectfully requests the Court to  
9 immediately order Respondents to show cause why the writ of habeas corpus should not be  
10 granted. Mr. Simma also requests a prompt hearing be set upon Respondents' return on the order  
11 to show cause.

#### 12 JURISDICTION

13 9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas  
14 corpus); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 1331 (federal question); 28 U.S.C. §  
15 2201-02 (declaratory relief); and the U.S. Constitution, Art. I, § 9, Cl. 2 (Suspension Clause).  
16 *See, e.g., Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) ("absent suspension, the writ of habeas  
17 corpus remains available to every individual detained within the United States.").

#### 18 VENUE

19 10. Venue is proper in the Northern District of California because Mr. Simma is  
20 detained at the Main Jail of the Santa Clara County Correctional Facilities in San Jose, California.  
21 Habeas L.R. 2254-3(a); 28 U.S.C. § 2241.

#### 22 EXHAUSTION

23 11. Mr. Simma is not required to exhaust administrative remedies, under 8 U.S.C. §  
24 1252(d)(1), because the remedies sought with this petition do not concern a final removal order.  
25 Rather, this petition challenges Respondents' pre-removal detention of Mr. Simma. Moreover,  
26 only an "alien" is required to meet the exhaustion requirements. Exhaustion does not apply to  
27 individuals with non-frivolous claims to U.S. citizenship. *Minasyan v. Gonzales*, 401 F.3d 1069,  
28 1075 (9th Cir. 2005).

12. No petition for habeas corpus has previously been made to this Court or to any other Court in connection with this matter.

### PARTIES

#### Petitioner Acquired Automatic Derivative Citizenship Pursuant to INA § 321(a)

13. Born out of wedlock on \_\_\_\_\_ in Thailand, Petitioner Simma was a minor when his natural mother, Prasai Paar, became a naturalized United States citizen on November 21, 1985 in Los Angeles, CA. *See* Exh. A. His natural father, Vilay Simma, passed away on November 26, 1990 in Thailand. *See Id.*

14. Mr. Simma entered the United States as a lawful permanent resident on or about May 9, 1988. He has since lived in the United States for nineteen years, including three plus years in Hawaii, followed by fifteen plus years in the Bay Area.

15. Mr. Simma has two young citizen children, ages three and six. They currently live in the Bay Area with Mr. Simma's natural mother and stepfather. The children's natural mother and Mr. Simma were never married. She has not visited the children for the past ten months.

16. Mr. Simma graduated from high school in Milpitas, CA. He held various full-time and part-time jobs before imprisonment, including working as a park ranger, cashier, machine operator, and assembly line worker.

17. Pursuant to INA § 321(a), his mother's naturalization when he was a minor automatically triggered Mr. Simma's derived citizenship. *See Minasyan v. Gonzales*, 401 F.3d 1069, 1075-76 (9th Cir., 2005) (applying INA § 321(a) and reasoning that "[a]s with all forms of citizenship, derivative citizenship is determined under the law in effect at time the critical events giving rise to eligibility occurred."); INA § 321(a) (8 U.S.C. § 1432(a)) (repealed 2000).

18. Specifically, INA § 321, entitled "Children born outside of United States of alien parents; conditions for automatic citizenship," provides that "(a) A child born outside of the United States of alien parents, or of an alien parent and a citizen parent who has subsequently lost citizenship of the United States, becomes a citizen of the United States upon the fulfillment of the following conditions:

(1) The naturalization of both parents; or

- 1 (2) The naturalization of the surviving parent if one of the parents is deceased; or  
2 (3) The naturalization of the parent having legal custody of the child when there has been  
3 a legal separation of the parents or the naturalization of the mother if the child was born  
4 out of wedlock and the paternity of the child has not been established by legitimation; and  
5 if  
6 (4) Such naturalization takes place while such child is unmarried and under the age of  
7 eighteen years; and  
8 (5) Such child is residing in the United States pursuant to a lawful admission for  
9 permanent residence at the time of the naturalization of the parent last naturalized under  
10 clause (1) of this subsection, or the parent naturalized under clause (2) or (3) of this  
11 subsection, or thereafter begins to reside permanently in the United States while under the  
12 age of eighteen years.”

13 19. The naturalization of Mr. Simma’s mother in 1985 while he was a minor triggered  
14 the combination of sub-clauses (3), (4), and (5). Additionally and alternatively, the death of Mr.  
15 Simma’s natural father while he was a minor triggered the combination of sub-clauses (2), (4),  
16 and (5). Mr. Simma has presented to Immigration Court and the Department of Homeland  
17 Security documentary evidence, including his mother’s naturalization certificate, his birth  
18 certificate, and his father’s death certificate, demonstrating his United States citizenship under  
19 INA § 321(a). *See* Exh. A.

20 **Respondents Are Responsible For the Detention and Release of Mr. Simma**

21 20. Respondents have detained Mr. Simma for more than three months since March  
22 28, 2007. The place of the incarceration is at the Main Jail of the Santa Clara County  
23 Correctional Facilities.

24 21. Respondent Alberto Gonzales is the Attorney General of the United States and the  
25 head of the U.S. Department of Justice, which encompasses the Board of Immigration Appeals  
26 and the Immigration Court and Immigration Judges as a subunit of the Executive Office for  
27 Immigration Review. Mr. Gonzales bears responsibility for the implementation and enforcement  
28 of immigration laws along with Respondent Michael Chertoff of the U.S. Department of

1 Homeland Security. Mr. Gonzales is sued in his official capacity.

2 22. Respondent Michael Chertoff is the Secretary of Homeland Security and heads the  
3 U.S. Department of Homeland Security, the arm of the U.S. government responsible for  
4 enforcement of immigration laws. Mr. Chertoff is the ultimate legal custodian of Mr. Simma.  
5 Mr. Chertoff is sued in his official capacity.

6 23. Respondent Nancy Alcantar is the Field Office Director for Detention and  
7 Removal in the San Francisco District Office of U.S. Immigration and Customs Enforcement. In  
8 this capacity, she has jurisdiction over the detention facility in which Mr. Simma is held, is  
9 authorized to release Mr. Simma, and is a legal custodian of Mr. Simma. Ms. Alcantar is sued in  
10 her official capacity.

11 24. Respondent David Sepulveda is the Director of the Main Jail of the Santa Clara  
12 County Correctional Facilities and is Mr. Simma's immediate custodian. Mr. Sepulveda is sued  
13 in his official capacity.

#### 14 FACTS AND PROCEDURAL HISTORY

15 25. At the time of his mother's naturalization, Mr. Simma was thirteen years old. Two  
16 and a half years later, Mr. Simma entered the United States as a lawful permanent resident on or  
17 about May 9, 1988. He has since lived in the United States for nineteen years.

18 26. On November 9, 2006, Mr. Simma was convicted, following a plea bargain  
19 arrangement, to the offense of possession of a controlled substance for sale, in violation of  
20 § 11378 of the California Health and Safety Code.

21 27. Due to good behavior and other factors, Mr. Simma's sentence was completed in  
22 March 2007. But at or few days before the completion of his criminal sentence in March 2007,  
23 Immigration and Customs Enforcement ("ICE") imprisoned Mr. Simma to the Santa Clara  
24 County Correctional Facility.

25 28. On March 27, 2007, the day before ICE's detention of Mr. Simma, ICE briefly  
26 interviewed him for about ten minutes. During the interview, Mr. Simma informed ICE officers  
27 that his mother is married to an American citizen and that he legally entered the U.S. while he  
28 was a minor. Despite this knowledge, ICE failed to investigate Mr. Simma's citizenship status, or

1 provide opportunities for Mr. Simma to present citizenship evidence before jailing him.

2 29. A March 28, 2007 Notice to Appear was served on Mr. Simma, and filed with the  
3 Immigration Court, alleging Mr. Simma is an "alien" convicted of an aggravated felony pursuant  
4 to § 237(a)(2)(A)(iii) of the Immigration and Nationality Act. Presumably, the government's  
5 authority for Mr. Simma's detention for the removal proceedings is 8 U.S.C. § 1226(c), which  
6 requires mandatory detention of a certain subgroup of aliens charged with removal on criminal  
7 grounds.

8 30. Removal proceedings are currently pending against Mr. Simma in San Francisco,  
9 California. A continuance was granted to allow Mr. Simma's immigration counsel, the Asian  
10 Law Caucus, to submit an N-600 Application for a Certificate of Citizenship to U.S. Citizenship  
11 and Immigration Services ("CIS"), an agency within the U.S. Department of Homeland Security.

12 31. On June 13, 2007, the N-600 application along with supporting documents,  
13 including the naturalization certification of Mr. Simma's natural mother, his birth certificate, and  
14 the death certificate of his natural father, was submitted to the Department of Homeland Security.  
15 See Exh. A.

## 16 CLAIMS FOR RELIEF

### 17 FIRST CAUSE OF ACTION - 18 ICE HAS NO STATUTORY AUTHORITY TO DETAIN A PERSON THAT HAS A 19 SUBSTANTIAL CLAIM OF CITIZENSHIP FOR REMOVAL PROCEEDINGS

20 32. The foregoing allegations are repeated and fully incorporated herein.

21 33. Respondents' March 28, 2007 Notice of Hearing, the first such notice after the  
22 detention of Mr. Simma, refers to INA § 237 as the statutory basis for the removal proceedings in  
23 Immigration Court. Respondents, however, did not provide any statutory grounds for detaining  
24 Mr. Simma in prison. Presumably, Respondents are relying on the mandatory detention  
25 provision, § 236(c), of INA. The reliance is misplaced for at least the following reasons.

26 34. INA § 236(c), 8 U.S.C. § 1226(c), only authorizes the detention of "aliens" and  
27 cannot be broadly interpreted to include individuals who are either citizens or have a non-  
28 frivolous claim of citizenship. The text of § 236(c) makes clear that the authorization relates only  
to "aliens." See INA § 236(c)(1) ("The Attorney General shall take into custody any alien who . .

1 ). The statute never mentions a citizen, or a person with a substantial claim of citizenship.

2 35. The reach of INA § 236(c) applies only to a subgroup of aliens, and would not be  
3 acceptable if applied to citizens or persons with a substantial claim of citizenship. *See Demore v.*  
4 *Kim*, 538 U.S. 510, 531 (2003) (upholding § 236(c)'s permissibility as applied to only criminal  
5 aliens who have conceded that they are deportable.") A central part of the *Kim* Court's rationale  
6 is that the statute's constitutionality hinges on the distinction between aliens and citizens. *See Id.*  
7 at 521 ("Congress regularly makes rules that would be unacceptable if applied to citizens.").

8 36. The Ninth Circuit has since *Kim* echoed the limited applicability of § 236(c) to a  
9 subgroup of aliens. *Tijani v. Willis*, 430 F. 3d 1241, 1242 (9th Cir. 2005) ("we interpret the  
10 authority conferred by § 1226(c) as applying to *expedited* removal of *criminal aliens*") (emphasis  
11 added); *Id.* at 1247 (Tashima, J., concurring) (urging a limited application of § 236(c) only to  
12 "those immigrants who could not raise a substantial argument against their removability").

13 37. 8 U.S.C. § 1226(a), which is the provision that the government may assert when §  
14 1226(c) is inapplicable, similarly authorizes the detention of only "aliens." 8 U.S.C. § 1226(a)  
15 ("On a warrant issued by the Attorney General, an alien may be arrested and detained pending a  
16 decision on whether the alien is to be removed from the United States.").

17 38. Petitioner's submission of evidence of his derivative citizenship, including his  
18 mother's naturalization certificate, his birth certificate, and his father's death certificate, to the  
19 Immigration Court and the submission of the N-600 Application for Certificate of Citizenship to  
20 CIS has presented prima facie and substantial evidence of citizenship. Having established a  
21 substantial claim of citizenship, Mr. Simma should not be forced to suffer continued  
22 imprisonment based on Respondents' mistaken application of the detention statute.

23  
24 **SECOND CAUSE OF ACTION -**  
25 **ICE HAS NO STATUTORY AUTHORITY TO INDEFINITELY HOLD A PERSON**  
26 **THAT HAS A SUBSTANTIAL CLAIM OF CITIZENSHIP IN PRE-REMOVAL**  
27 **DETENTION**

28 39. The foregoing allegations are repeated and fully incorporated herein.

40. The indefinite detention of Mr. Simma after he has made a prima facie case of  
citizenship is beyond the limited time scope authorized by the detention statute. The Ninth

1 Circuit held that the authority of §1226(c) rests on “expedited removal.” *Tijani v. Willis*, 430 F.  
 2 3d 1241, 1242 (9th Cir. 2005). Past cases in the Ninth Circuit reveal that Mr. Simma’s current  
 3 detention, if unchecked by this Court’s review, could be extremely lengthy. *See, e.g., Minasyan*  
 4 *v. Gonzales*, 401 F.3d 1069 (9th Cir. 2005) (upholding a derivative citizenship claim four years  
 5 after the commencement of a second round of removal proceedings). An indefinite waiting  
 6 period for the resolution of Mr. Simma’s removal order and any appeals thereafter cannot be  
 7 regarded as “expedited removal” and thus fails to comport with the legal boundary of the  
 8 detention statute.

9 41. Similarly to § 1226(c), § 1226(a), which is the provision that the government may  
 10 assert when § 1226(c) is inapplicable, does not specify the time period under which an alien may  
 11 be held pending removal proceedings. Given that § 1226(c) is limited to a “brief period necessary  
 12 for their removal proceedings,” § 1226(a) must similarly be held to a necessary brief period.  
 13 *Demore v. Kim*, 538 U.S. at 513; *see also Tijani v. Willis*, 430 F.3d at 1242. Indeed, § 1226(a)  
 14 contains a bail provision, which would be rendered superfluous if the discretionary detention  
 15 were allowed to extend beyond a brief period of time necessary. *See* 8 U.S.C. § 1226(a)(2) .

16 42. The “brief” time allowed for Mr. Simma’s pre-removal hold has turned into an  
 17 extended waiting period under Respondents’ bureaucratic application of the detention statute.  
 18 Mr. Simma now faces imprisonment for an indeterminate time before the adjudication of the final  
 19 removal order. The prolonged detention is particularly unreasonable as Mr. Simma already  
 20 provided evidence of his derivative citizenship, which was automatically triggered in 1985. The  
 21 evidence already-submitted to the government demonstrates that there is “no significant  
 22 likelihood of removal in the reasonably foreseeable future.” *Zadvydas v. Davis*, 533 U.S. 678,  
 23 699-701 (2001) (stating that “once removal is no longer reasonably foreseeable, continued  
 24 detention is no longer authorized by statute”).

25  
 26 **THIRD CAUSE OF ACTION -**  
 27 **THE NON-DETENTION ACT, UNDER 18 U.S.C. § 4001(A), PROHIBITS THE**  
 28 **DETENTION OF A PERSON THAT HAS A SUBSTANTIAL CLAIM OF CITIZENSHIP**  
**ABSENT CONGRESSIONAL AUTHORIZATION**

43. The foregoing allegations are repeated and fully incorporated herein.

1           44. The Non-Detention Act states that “No citizen shall be imprisoned or otherwise  
2 detained by the United States except pursuant to an Act of Congress.” 18 U.S.C. § 4001(a).

3           45. The Non-Detention Act is a broad statutory command, “proscribing detention of  
4 any kind by the United States” of a United States citizen. *See Howe v. Smith*, 452 U.S. 473, 480  
5 n.3 (1981) (emphasis in original).

6           46. Section 4001(a) demands a clear statement of authorization to detain. *Hamdi v.*  
7 *Rumsfeld*, 542 U.S. 507, 545 (2004). Congress has not authorized the indefinite detention under  
8 INA of a person that has a substantial claim of citizenship. Therefore, Respondents’ continued  
9 detention of Mr. Simma, a person with substantial evidence of citizenship, is a direct violation of  
10 the Non-Detention Act.

11           47. Even the authority of war power is not justification for the indefinite detention of a  
12 citizen. *Hamdi v. Rumsfeld*, 542 U.S. 507, 542 (2004) (Souter, J., concurring). In contrast, Mr.  
13 Simma poses no threat to national security. He has fully served the sentence for his non-violent  
14 drug offense. As a single parent to two young citizen children with strong family and local ties,  
15 he poses no significant flight risk. His continued detention is the precise evil the Non-Detention  
16 Act seeks to prevent.

17  
18                           **FOURTH CAUSE OF ACTION -**  
19                           **VIOLATION OF DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT – NO**  
20                           **CONSTITUTIONALLY ADEQUATE PROCESS WAS IN PLACE BEFORE THE**  
21                           **PETITIONER’S DETENTION**

22           48. The foregoing allegations are repeated and fully incorporated herein.

23           49. An essential principle of due process is that a deprivation of life, liberty, or  
24 property be preceded by notice and opportunity for hearing appropriate to the nature of the case.  
25 *Hamdi v. Rumsfeld*, 542 U.S. 507, 533 (2004) (citing *Cleveland Bd. of Ed. v. Loudermill*, 470  
26 U.S. 532, 542 (1985)). Due process requires that the government’s assertion of facts such as the  
27 issue of Mr. Simma’s alienage should not be presumed to be correct. *Id.* at 537.

28           50. Respondents’ decision to detain Mr. Simma was solely based on an incorrect  
assumption of alienage, the result of a woefully-inadequate ten-minute interview, in which  
Respondents had notice that Mr. Simma’s mother is married to an American citizen. Ignoring the

1 likelihood that Mr. Simma could be a derivative citizen, Respondents provided no opportunity for  
2 Mr. Simma to rebut their incorrect assumption of alienage before trampling his liberty.

3 51. An individual's liberty is a core fundamental individual right protected by the Due  
4 Process Clause. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). It is not to be breached, even  
5 for one day, without extreme caution. The detection of Mr. Simma has resulted in imminent and  
6 irreparable harm on him and his family. Having served the entire sentence under his non-violent  
7 drug offense, Mr. Simma would have been free to return home to his two daughters, were it not  
8 for the pre-removal hold by Respondents. That harm has been enhanced by the prolonged  
9 imprisonment Mr. Simma is facing, and further exacerbated by the Immigration Court's lack of  
10 willingness to release Mr. Simma from imprisonment while his N-600 application is pending.

11  
12 **FIFTH CAUSE OF ACTION -**  
13 **VIOLATION OF DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT -**  
14 **RESPONDENTS' PROLONGED DETENTION OF MR. SIMMA IS NOT REASONABLY**  
15 **RELATED TO THE PURPOSE OF THE DETENTION STATUTE**

16 52. The foregoing allegations are repeated and fully incorporated herein.

17 53. Immigration detention violates due process unless such detention is reasonably  
18 related to its purpose. *Zadvydas*, 533 U.S. at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738  
19 (1972)); *Demore v. Kim*, 538 U.S. at 513 (upholding a brief period of mandatory detention only  
20 when necessary). Moreover, as detention becomes prolonged, the Due Process Clause requires a  
21 sufficiently strong justification to outweigh the significant deprivation of liberty, and demands  
22 strong procedural protections to ensure the sufficiency of that justification. *Zadvydas*, 533 U.S. at  
23 690-91.

24 54. In *Demore v. Kim*, the Supreme Court analyzed § 236(c) within a framework that  
25 imprisonment under the mandatory detention provision has a definite termination point, generally  
26 less than 90 days. The Executive Office for Immigration Review calculated the average detention  
27 time to be 47 days with a medium of 30 days. *See Demore v. Kim*, 538 U.S. at 529. Mr. Simma  
28 has already endured three plus months of imprisonment and will likely suffer many more without  
this Court's intervention. Indefinite imprisonment, with no finality, does not comport with the  
purpose of the detention statute.

57. Finally, it is well settled that a U.S. citizen cannot lose his or her citizenship status unless the government can prove that the person intended to relinquish citizenship. U.S.C.A. Const. Amend. 14; *Rivera v. Ashcroft*, 394 F.3d 1129, 1137 (9th Cir. 2005). The government has not alleged such relinquishment in Immigration Court. Mr. Simma has presented a substantial claim of citizenship to both the Immigration Court and the Department of Homeland Security. His continued detention rests on Respondents' incorrect assumption of alienage. As such, the prolonged detention is not reasonably related to the purpose of the detention provisions of INA and cannot be justified.

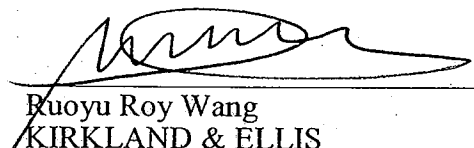
WHEREFORE, Plaintiff-Petitioner prays that this Court grant the following relief:

- 12 -

- 1 cause, pursuant to 28 U.S.C. § 2243;
- 2 c. Grant the writ of habeas corpus and order the immediate release of Mr.
- 3 Simma from custody, under reasonable conditions of supervision for the
- 4 duration of the removal proceedings;
- 5 d. Declare that Respondents' continued detention of Mr. Simma is not
- 6 authorized by the detention provisions of the Immigration and Nationality
- 7 Act;
- 8 e. Declare that Respondents' continued detention of Mr. Simma violates the
- 9 Non-Detention Act;
- 10 f. Declare that Respondents' continued detention of Mr. Simma violates the
- 11 Due Process Clause of the Fifth Amendment;
- 12 g. Grant any other and further relief that this Court deems just and proper.

13 Dated: July 06, 2007

14 Respectfully submitted,

15   
16 Ruoyu Roy Wang  
17 KIRKLAND & ELLIS  
18 555 California Street  
19 San Francisco, CA 94104  
20 Telephone: (415) 439-1984  
21 Facsimile: (415) 439-1500

22 Sin Yen Ling  
23 ASIAN LAW CAUCUS  
24 939 Market Street, Suite 201  
25 San Francisco, CA 94103  
26 Telephone: (415) 896-1701  
27 Facsimile: 415 896-1702  
28

1  
2 **VERIFICATION**

3 I, Yuttasak Simma, under penalty of perjury state the following:

- 4 1. I am the Petitioner to whom the foregoing Petition for Writ of Habeas Corpus  
5 relates.  
6 2. I affirm the truth of the factual contents of the Petition.

7  
8 Dated: JULY 6-07

9  
10 

11 \_\_\_\_\_  
12 Yuttasak Simma  
13  
14  
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**EXHIBIT A**

*Admission* 585889



No. 12270589

THE UNIVERSITY OF CHICAGO

# CRITICAL

407450 Registration No. 234-476-126

ORIGINAL.  
Personal description of Patient, sex, age, occupation, residence. Date of birth.  
COMPLAINT—MEDIUM—CHRONIC—BROWN—Color of hair, eyes, skin, etc.

[illegible]

~~MARSHALL~~ MARSHALL  
~~MASSACHUSETTS~~ MASSACHUSETTS  
MARSHALL MA

*Scaphiophloeus*

Counting up terms in natural history. DEERLAND  
 I could hardly have detected our ignorance in this, and that the history of biology is but a faint horizon in a distance of more

Ind. 111

UNITED STATES OF AMERICA  
 (Completed once only by signatory or holder)

CENTRAL DIST. OF CALIFORNIA

Cherif Emoum, Hadala, a former slave. District of Columbia, D.C. Sample

The United States

Los Angeles  
November 21, 1963

PRASAI PAAR

1109 SPARROW DR., POINT MUGU, CA

[illegible]

and the other two, provisions of such nature and importance, and such public utility as rendered the citizens of the Government, and made it imperative upon the Government to take the same.

admitted as a member of the United Brotherhood of Carpenters and Joiners of America.

215T

November  
 Eighty-five  
 more than doubled and

LEONARD A. BROSNYAN

U. S. District  
Court

By Frank A. Kunkin Deposition Clerk



04/19/2007 14:31

5105722125

LAM TRAINING

PAGE 03/000

\* 028605293144

ROYAL EMBLEM

Form Type:

CR. 2 Part 1.



## BIRTH CERTIFICATE

Late Birth Report

สำนักงานจำกัด เอ. ซี. เซอร์วิส  
A.C. SERVICE LIMITED PARTNERSHIP

Citizen I.D.Card Number

Registration Office of:

Tambol Prasart

3108

2-3108-00019-31-1

1. NEWBORN	1.1 Firstname Mr. Yutasak		Lastname Simm		1.2 Sex Male	1.3 Nationality Thai
	1.4 Date of Birth		Time 06:00	Corresponding Tuesday	Month 1st	Year Chuad
	1.5 Birth Place Address: No. 21, Group No. 10, Tambol: Prasart at home Ban Kruad District, Burirum Province					1.6 Being No. 1 Child
	1.7 Person attended the Delivery: Self Delivered <input checked="" type="checkbox"/> Midwife --- Medical Doctor --- Nurse --- Obstetrician --- Other:					1.8 Weight at Birth Grams
	1.9 Name added to House Registration Number: 21 Group No. 10, Tambol: Prasart, Ban Kruad District, Burirum Province					
1.10 House Code 3 108 008141 1						
2. MOTHER	2.1 Firstname Mrs. Prasai		Maiden Name Matchaya		2.2 Citizen I.D.Card Number	
	2.3 Age 45 Year	2.4 Nationality ----- Thai Other:		2.5 Birth Province Nakhon Phanom	Country Thailand	
	2.6 Residential Address -87/1- 38/1, Group No. 1, Tambol: Nongyart, (Official Seal Affixed) Muang District, Nakhon Phanom Province, Thailand					
3. FATHER	3.1 Firstname Mr. Wilai		Lastname Simm		3.2 Citizen I.D.Card Number	
	3.3 Age 39 Year	3.4 Nationality x Thai Other:		3.5 Birth Province Roiet	Country Thailand	
	3.6 Residential Address ---- Same to Mother: x Other:		Address: 25, Group No. 2, Tambol: Klong Ta Kien, Phra Nakhon Sri Ayudhya District,			
4. BIRTH INFORMANT	4.1 Firstname Mrs. Puangmala		Lastname Pisoot		4.2 Citizen I.D.Card Number	4.3 Age Year
	4.4 Address 38/1, Group No. 6, Tambol: Nongyart, Muang Nakhon Phanom District, Nakhon Phanom					
	4.5 Relationship to Newborn: x House Owner: --- Father: --- Delivery Attendant --- Relative: --- Official: --- Mother: --- Other:					
	4.6 Certificate of Birth not issue		4.7 Receipt of Report not issue		4.8 Signature of Informant (Fingerprint)	

SIGNATURE OF REGISTRAR ACCEPTED BIRTH REPORT  
(Mr. Sakda Tiempayuha)

Asst. Registrar of Tambol: Prasart

Registrar to:

Date accepted: July 2, A.D. 1987..



สำนักงานจำกัด เอ. ซี. เซอร์วิส  
A.C. SERVICE LIMITED PARTNERSHIP  
รับรองการแปลถูกต้อง  
CERTIFIED CORRECT TRANSLATION

14 APR 1988

MANAGER

Thor. Ror. 4 part 2 ** 041902941527		04	
[Emblem of Garuda]			
Nb 581/33	534 007 2542	nb 01-14993015	
Death certificate			
Registration office local municipality muang Nakhon Sriyuthaya 1499			
1 Deceased	1.1 First name Last name Mr. Vilay Simma	1.2 ID card number 3-1401-00021-36-4	1.3 Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
	1.4 Age 42 years old	1.5 Nationality <input checked="" type="checkbox"/> Thai <input type="checkbox"/> Other	1.6 Occupation Employee
	1.7 Marital status <input type="checkbox"/> Sing. <input checked="" type="checkbox"/> Mar. <input type="checkbox"/> Div. <input type="checkbox"/> Sep. <input type="checkbox"/> Wid.		
1.8 Address 21 Moo 10 Tambon Prasat Amphur Ban Kruat Buriram Province			
2 Death details	2.1 Dead on Day 26 Month November Year 1990 26-11-1990 Time 11.20 am		2.2 Medical care before death <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Midwife <input type="checkbox"/> Traditional <input type="checkbox"/> Qualified <input type="checkbox"/> Other
	2.3 attestation of death <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes nb 632/2533	2.4 Reason of death Heart attack, abnormal loss of weight, didn't eat for a long period	
3 Place of death	3.1 Place Pra Nakhon Sriyuthaya hospital		3.2 Length of stay .....Year(s).....Month(s)....3.Day(s)
	4.1 First name Last name Khun Simma		4.2 ID card number 3-3108-00436-18_2
4 Father of deceased, mother of deceased	4.3 First name Last name Khon Simma		4.4 ID card number 3-3108-00436-19_1
	5.1 First name Last name Mrs Nipha Boonsawat		5.2 ID card number [empty]
5 Notified by	5.3 Relation <input type="checkbox"/> Father <input type="checkbox"/> Mother <input type="checkbox"/> Home owner <input type="checkbox"/> Family <input checked="" type="checkbox"/> Work together <input type="checkbox"/> Look after before death <input type="checkbox"/> Other		
	5.4 Address Pra Nakhon Sriyuthaya hospital		
6 Corpse	6.1 State <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Buried <input type="checkbox"/> Cremated <input type="checkbox"/> Yes	6.2 Place Masyimsofha Tambon Krong Takhien Amphur Pra Nakhon Sriyuthaya Ayuthaya Province	
	7 Death notification on Day 26 Month November Year 1990		8 Declaration of death <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
9 Signature [signature]...Registration Date...26 11 1990 [stamp of local municipality office assistant] has received		10 Signature [signature].....has notified (Nipha Boonsawat)	
11 Certified copy (stamp) [signature] [Local municipality assistant (stamp)]		12 Signature [empty].....Registration Date.....	

๑ ผู้ตาย	๑.๑ ชื่อตัว ชื่อสกุล 118 ๖๐๘	๑.๒ เลขประจำตัวประชาชน 9-1401-00021-36-4	๑.๓ เพศ ชาย <input checked="" type="radio"/> หญิง <input type="radio"/>
	๑.๔ สัญชาติ <input checked="" type="radio"/> ไทย <input type="radio"/> อื่นๆ	๑.๖ อาชีพ ผู้ว่างงาน	๑.๗ สถานภาพการสมรส <input type="radio"/> โสด <input checked="" type="radio"/> สมรส <input type="radio"/> หย่า <input type="radio"/> ร้าง <input type="radio"/> หม้าย
	๑.๘ ที่อยู่ บ้านเลขที่ หมู่ที่ ต.รอก ชอ. ดอน ตำบล/แขวง อำเภอ/เขต จังหวัด 21 หมู่ 10 ต. รอก ชอ. ดอน อ. เมือง จ. นครราชสีมา 31/08/33		
๒ ราช การ ตาย	๒.๑ ภายเมื่อวันเดือนปี พ.ศ. 2533	๒.๒ ผู้ริษยาท่อนาย <input type="radio"/> ไม่มี <input checked="" type="radio"/> มี คือ <input type="radio"/> หมอตำแย <input type="radio"/> แพทย์แผนโบราณ <input checked="" type="radio"/> แพทย์แผนปัจจุบัน <input type="radio"/> อื่นๆ	
	๒.๓ หนังสือรับรองการตาย <input type="radio"/> ไม่มี <input checked="" type="radio"/> มี เลขที่ 632/2533	๒.๔ สถานที่ตาย หมู่ที่ 10 ตำบล/แขวง อำเภอ/เขต จังหวัด นครราชสีมา 11/08/33	
๓ สถานที่ตาย	๓.๑ ชื่อสถานที่ บ้านเลขที่ หมู่ที่ ตำบล ชอ. ดอน ตำบล/แขวง อำเภอ/เขต จังหวัด หมู่ที่ 10 ตำบล/แขวง อำเภอ/เขต จังหวัด นครราชสีมา 11/08/33		๓.๒ พักอยู่สถานที่ตายนาน ปี เดือน 3 วัน
	๔.๑ บิดาชื่อ ผู้ตาย	๔.๒ เลขประจำตัวประชาชนบิดา 3-3108-00436-18-2	
๔ มารดา ของ ผู้ตาย	๔.๓ มารดาชื่อ ผู้ตาย	๔.๔ เลขประจำตัวประชาชนมารดา 3-3108-00436-19-1	
	๕.๑ ชื่อตัว ชื่อสกุล ผู้ตาย	๕.๒ เลขประจำตัวประชาชน ผู้ตาย	
๕ ผู้ แจ้ง ตาย	๕.๓ ภาวะที่เสียชีวิตเป็น <input type="radio"/> บิดา <input type="radio"/> มารดา <input type="radio"/> เจ้าบ้าน <input type="radio"/> ลูก <input checked="" type="radio"/> เจ้าพนักงาน <input type="radio"/> ผู้ริษยาท่อนาย <input type="radio"/> ผู้อื่น		
	๕.๔ อยู่บ้านเลขที่ หมู่ที่ ต.รอก ชอ. ดอน ตำบล/แขวง อำเภอ/เขต จังหวัด หมู่ที่ 10 ตำบล/แขวง อำเภอ/เขต จังหวัด นครราชสีมา 11/08/33		
๖ ศพ	๖.๑ จัดการศพโดย <input type="radio"/> เก็บ <input checked="" type="radio"/> เผา <input type="radio"/> ฝัง <input type="radio"/> อื่นๆ	๖.๒ สถานที่ ตำบล/แขวง อำเภอ/เขต จังหวัด หมู่ที่ 10 ตำบล/แขวง อำเภอ/เขต จังหวัด นครราชสีมา 11/08/33	
	๖.๓ แจ้งการตายเมื่อวันที่ 11 เดือน 8 พ.ศ. 2533		
๗ ลงชื่อ	๗.๑ ลงชื่อ (ผู้แจ้งตาย) ผู้รับแจ้ง		๗.๒ ลงชื่อ (ผู้รับแจ้งการเปลี่ยนแปลง)
	๗.๓ ลงชื่อ (นายทะเบียน)		
๘ การเปลี่ยนแปลงการจัดการศพ	๘.๑ ลงชื่อ (นายทะเบียน)		
๘.๒ ลงชื่อ (ผู้รับแจ้งการเปลี่ยนแปลง)			